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OFFICE OF PETITIONS

In re Application of
Radek Grzeszczuk et al.
Application No. 10/028,414
Filed: December 21, 2001
Attorney Docket No.: 42390.P13155
Title: SURFACE LIGHT FIELD
DECOMPOSITION USING NON-
NEGATIVE FACTORIZATION

DECISION ON SECOND RENEWED
PETITION UNDER 37 C.F.R. §1.137(B)

This is a decision on the second renewed petition filed April 16, 2004, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice²), mailed January 28, 2002, which set a shortened statutory period for reply of two (2) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified

¹ A grantable petition pursuant to 37 CFR §1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to paragraph (d) of this section.

² The notice required an executed oath or declaration, along with the surcharge associated with the late filing of an oath or declaration and substitute drawings.

application became abandoned on March 29, 2002. A Notice of Abandonment was mailed on November 24, 2003.

With the original petition under 37 C.F.R. §1.137(a), received January 20, 2004, Petitioner supplied a declaration, along with a statement of facts which asserts that the notice was never received, along with a copy of the "docket" in order to show that the correspondence was not received.

On February 25, 2004, the original petition was dismissed via the mailing of a decision which set forth that the original petition lacked item (3) above.

On March 12, 2004, a renewed petition was received, which failed to address any of the points set forth in the decision mailed on February 25, 2004.


37 C.F.R. §1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(b)(3) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

With the instant petition, the petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner has submitted the payment of the petition fee, has previously submitted an executed declaration, and has made a statement which is being construed as the proper statement of unintentional delay.

The petition is **GRANTED**.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning *this decision* should be directed to the undersigned at (703) 305-0011.



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